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March 22, 2006

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BY FEDEX

Mr. Robert Schick
Chief, MGP Section
Bureau of Western Remedial Action
Division of Environmental Remediation
NY State Dept. of Environmental Conservation
625 Broadway
Albany, NY 12233-7020

BY FEDEX

Mr. Ram Pergadia
NY State Dept. of Environmental Conservation
21 South Putt Corners
New Paltz, NY 12561

RE: Brownfield Cleanup Program Application
Catskill Former MGP Site

Dear Messrs Schick and Pergadia:

Enclosed is a Brownfield Cleanup Program Application for a former MGP Site located on Water Street in Catskill, New York. The Requestor is Central Hudson Gas & Electric Corporation. To Mr. Schick, I have enclosed a hard copy of the BCP Application and a Phase I Investigation of the site, as well as an electronic copy of both documents on a CD-ROM. To Mr. Pergadia, I have enclosed a hard copy of both documents.

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After you had an opportunity to review the enclosed materials, feel free to contact me with comments, questions, requests for additional information or a request for a meeting.

Sincerely,

A handwritten signature in dark ink, appearing to read "D P Harkawik", written over a light blue circular stamp.

Dennis P. Harkawik

DPH:nar

Encls.

Cc: Mr. Jeffrey A. Clock w/o Encl.

Mr. Joseph Maisonave w/o Encl.

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MAR 23 2006



NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION



BROWNFIELD CLEANUP PROGRAM (BCP) APPLICATION

ECL ARTICLE 27 / TITLE 14

DEPARTMENT USE ONLY
BCP SITE #: _____

07/05

Section I. Requestor Information

NAME Central Hudson Gas & Electric Corporation

ADDRESS 284 South Avenue

CITY/TOWN Poughkeepsie, New York ZIP CODE 12601-4879

PHONE (845) 452-2000 FAX (845) 486-5952 E-MAIL jmasionave@cenhud.com

NAME OF REQUESTOR'S REPRESENTATIVE Joseph Maisonave

ADDRESS - same as above -

CITY/TOWN ZIP CODE

PHONE (845) 486-5534 FAX E-MAIL

NAME OF REQUESTOR'S CONSULTANT Nancy Gensky

ADDRESS 6723 Towpath Road

CITY/TOWN Syracuse, New York ZIP CODE 13214

PHONE (315) 446-9120 FAX (315) 449-0017 E-MAIL neg@bbl-inc.com

NAME OF REQUESTOR'S ATTORNEY Dennis P. Harkawik, Jaeckle Fleischmann & Mugel, LLP

ADDRESS 12 Fountain Plaza, Suite 700

CITY/TOWN Buffalo, New York ZIP CODE 14202-2292

PHONE (716) 843-3848 FAX (716) 856-0432 E-MAIL dharkawik@jaeckle.com

THE REQUESTOR MUST CERTIFY THAT IT IS EITHER A PARTICIPANT OR VOLUNTEER IN ACCORDANCE WITH ECL § 27-1405 (1) BY CHECKING ONE OF THE BOXES BELOW:

PARTICIPANT

A requestor who either 1) was the owner of the site at the time of the disposal of hazardous waste or discharge of petroleum or 2) is otherwise a person responsible for the contamination, unless the liability arises solely as a result of ownership, operation of, or involvement with the site subsequent to the disposal of hazardous waste or discharge of petroleum.

VOLUNTEER

A requestor other than a participant, including a requestor whose liability arises solely as a result of ownership, operation of or involvement with the site subsequent to the disposal of hazardous waste or discharge of petroleum.

NOTE: By checking this box, the requestor certifies that he/she has exercised appropriate care with respect to the hazardous waste found at the facility by taking reasonable steps to: i) stop any continuing discharge; ii) prevent any threatened future release; and iii) prevent or limit human, environmental, or natural resource exposure to any previously released hazardous waste.

Requestor Relationship to Property (check one):

Previous Owner Current Owner Potential /Future Purchaser Other [site access will need to be obtained]

If requestor is not the site owner, requestor will have access to the property throughout the BCP project. Yes No
(Note: proof of site access must be submitted for non-owners)

Section II. Site Information Summary Sheet

SITE /PROPERTY NAME: Catskill Former Manufactured Gas Plant ("MGP")

ADDRESS/LOCATION Water Street CITY/TOWN Catskill ZIP CODE 12414

MUNICIPALITY(IF MORE THAN ONE, LIST ALL):
Catskill

COUNTY Greene SITE SIZE (ACRES) Approx. 3.7 acres

LATITUDE (degrees/minutes/seconds) 42 °13'13" N LONGITUDE (degrees/minutes/seconds) 73 °52'03" W

HORIZONTAL COLLECTION METHOD: NYS DOT 7.5 Minute Series 1976 Hudson South Quad HORIZONTAL REFERENCE DATUM: State Plane Coordinate System

FOR EACH PARCEL, FILL OUT THE FOLLOWING TAX MAP INFORMATION (if more than three parcels, attach additional information)

Parcel Address	Parcel No.	Section No.	Block No.	Lot No.	Acreage

1. Do the site boundaries correspond to tax map metes and bounds? Yes No
If no, please attach a metes and bounds description of the site.
2. Is the required site map attached to the application? (application will not be processed without site map) Yes No
3. Is the site part of a designated En-zone pursuant to Tax Law § 21(b)(6)? Yes No
For more information go to:
http://www.nylovesbiz.com/Productivity_Energy_and_Environment/BrownField_Redevelopment/default.asp
If yes, identify area (name) _____
 50% 100% of the site is in the En-zone (check one)

SITE DESCRIPTION NARRATIVE:

See Attachment

List of Existing Easements (type here or attach information)

<u>Easement Holder</u>	<u>Description</u>
<u>None Known by Requester</u>	

List of Permits Relating to the Proposed Site (type here or attach information)

<u>Type</u>	<u>Issuing Agency</u>	<u>Description</u>
<u>None Known by Requester</u>		

Initials of each Requestor: _____

Section III. Current Site Owner/Operator Information

OWNER'S NAME (if different from requestor) See attached tax map for site Ownership, which
ADDRESS is identified on the tax map as 135 Water Street.

CITY/TOWN _____ ZIP CODE _____

PHONE _____ FAX _____ E-MAIL _____

OPERATOR'S NAME (if different from requestor or owner) _____

ADDRESS _____

CITY/TOWN _____ ZIP CODE _____

PHONE _____ FAX _____ E-MAIL _____

Section IV. Requestor Eligibility Information (Please refer to ECL § 27-1407)

If answering "yes" to any of the following questions, please provide an explanation as an attachment.

1. Are any enforcement actions pending against the requestor regarding this site? Yes No
2. Is the site subject to an existing order for the contamination? Yes No
3. Is the requestor subject to an outstanding claim by the Spill Fund for this site? Yes No
4. Has the requestor violated any provision of ECL Article 27? Yes* No
5. Has the requestor been previously denied entry to the BCP? Yes No
6. Has the requestor committed a negligent or intentionally tortuous act regarding hazardous waste or petroleum? Yes No
7. Has the requestor been convicted of a criminal offense that involves a violent felony, fraud, bribery, perjury, theft, or offense against public administration? Yes No
8. Has the requestor knowingly falsified statements or concealed material facts in a matter related to the Department? Yes No
9. Has the requestor, based on the provisions of ECL Article 27-1407 (or a similar provision of federal or state law), committed an act or failed to act, and such act or failure to act could be the basis for denial of a BCP application? Yes No

Section V. Site Eligibility Information (Please refer to ECL § 27-1405)

1. Is the site listed on the National Priorities List? Yes No
2. Is the site listed on the NYS Registry of Inactive Hazardous Waste Disposal Sites? Yes No
If yes, please provide: Site # _____ Class # _____
3. Is the site subject to a permit under ECL article 27, title 9, other than an Interim Status facility? Yes No
If yes, please provide: Permit type: _____ EPA ID Number: _____
Date permit issued: _____ Permit expiration date: _____
4. Is the site subject to a cleanup order under navigation law Article 12 or ECL Article 17 Title 10? Yes No
If yes, please provide: Order # _____
5. Is the site subject to a state or federal enforcement action related to hazardous waste or petroleum? Yes No
If yes, please provide explanation as an attachment.

Section VI. Project Description

Please attach a description of the project which includes the following components:

- Purpose and scope of the project
- Estimated project schedule

See Attachment

Section VII. Site's Environmental History

To the extent that existing information/studies/reports are available to the requestor, please attach the following:

1. Environmental Reports

A phase I environmental site assessment report prepared in accordance with ASTM E 1527 (American Society for Testing and Materials: Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process), and all environmental reports related to contaminants on or emanating from the site.

If a final investigation report is included, indicate whether it meets the requirements of ECL Article 27-1415(2): Yes No

2. Sampling Data: Indicate known contaminants and the media which are known to have been affected:

Contaminant Category	Soil	Groundwater	Surface Water	Sediment	Soil Gas
Petroleum					
Chlorinated Solvents					
Other VOCs					
SVOCs					
Metals		[See enclosed 1987 Phase I Report]			
Pesticides					
PCBs					
Other*					

*Please describe: _____

3. Suspected Contaminants: Indicate suspected contaminants and the media which may have been affected:

Contaminant Category	Soil	Groundwater	Surface Water	Sediment	Soil Gas
Petroleum					
Chlorinated Solvents					
Other VOCs					
SVOCs					
Metals		[See enclosed 1987 Phase I Report]			
Pesticides					
PCBs					
Other*					

*Please describe: MGP residuals

4. INDICATE KNOWN OR SUSPECTED SOURCES OF CONTAMINANTS:

- | | | | |
|--|--|---|--|
| <input type="checkbox"/> Above Ground Pipeline or Tank | <input type="checkbox"/> Lagoons or Ponds | <input type="checkbox"/> Underground Pipeline or Tank | <input type="checkbox"/> Surface Spill or Discharge |
| <input type="checkbox"/> Routine Industrial Operations | <input type="checkbox"/> Dumping or Burial of Wastes | <input type="checkbox"/> Septic tank/lateral field | <input type="checkbox"/> Drums or Storage Containers |
| <input type="checkbox"/> Adjacent Property | <input type="checkbox"/> Seepage Pit or Dry Well | <input type="checkbox"/> Foundry Sand | <input type="checkbox"/> Electroplating |
| <input checked="" type="checkbox"/> Coal Gas Manufacture | <input type="checkbox"/> Industrial Accident | <input type="checkbox"/> Unknown | |

Other: Misc. industrial following shutdown of MGP.

5. INDICATE PAST LAND USES:

- | | | | | | |
|--|--|---|--------------------------------------|---|-------------------------------------|
| <input checked="" type="checkbox"/> Coal Gas Manufacturing | <input type="checkbox"/> Manufacturing | <input type="checkbox"/> Agricultural Co-op | <input type="checkbox"/> Dry Cleaner | <input type="checkbox"/> Salvage Yard | <input type="checkbox"/> Bulk Plant |
| <input type="checkbox"/> Pipeline | <input type="checkbox"/> Service Station | <input type="checkbox"/> Landfill | <input type="checkbox"/> Tannery | <input type="checkbox"/> Electroplating | <input type="checkbox"/> Unknown |

Other: _____

6. Owners

A list of previous owners with names, last known addresses and telephone numbers (describe requestor's relationship, if any, to each previous owner listed. If no relationship, put "none"). See enclosed 1987 Phase I Report.

7. Operators

Requester has no relationship to previous owner(s).
A list of previous operators with names, last known addresses and telephone number (describe requestor's relationship, if any, to each previous operator listed. If no relationship, put "none").

Section VIII. Contact List Information

Please attach, at a minimum, the names and addresses of the following:

1. The chief executive officer and zoning board chairperson of each county, city, town and village in which the site is located.
2. Residents, owners, and occupants of the site and properties adjacent to the site.
3. Local news media from which the community typically obtains information. **See Attachment for Contact Information**
4. The public water supplier which services the area in which the site is located. **See Attachment for Contact Information**
5. Any person who has requested to be placed on the site contact list.
6. The administrator of any school or day care facility located on or near the site.
7. The location of a document repository for the project (e.g., local library). In addition, attach a copy of a letter sent to the repository acknowledging that it agrees to act as the document repository for the site.

Section IX. Land Use Factors (Please refer to ECL § 27-1415(3))

Current Use: Residential Commercial Industrial Vacant Recreational (check all that apply)

Intended Use: Unrestricted Residential Commercial Industrial

Please check the appropriate box and provide an explanation as an attachment if appropriate. Provide a copy of the local zoning classifications, comprehensive zoning plan designations, and/or current land use approvals.

	Yes	No
1. Do current historical and/or recent development patterns support the proposed use? (See #12 below re: discussion of area land uses)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Is the proposed use consistent with applicable zoning laws/maps?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. Is the proposed use consistent with applicable comprehensive community master plans, local waterfront revitalization plans, designated Brownfield Opportunity Area plans, other adopted land use plans?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4. Are there any Environmental Justice Concerns? (See §27-1415(3)(p)).	<input type="checkbox"/>	<input checked="" type="checkbox"/>
5. Are there any federal or State land use designations relating to this site?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
6. Do the population growth patterns and projections support the proposed use?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
7. Is the site accessible to existing infrastructure?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
8. Are there important cultural resources, including federal or state historic or heritage sites or Native American religious sites proximate to the site?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
9. Are there important federal, state or local natural resources, including waterways, wildlife refuges, wetlands, or critical habitats of endangered or threatened species proximate to the site? (Catskill Creek)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
10. Are there floodplains proximate to the site?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
11. Are there any institutional controls currently applicable to the site?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
12. Describe on attachment the proximity to real property currently used for residential use, and to urban, commercial, industrial, agricultural, and recreational areas. See Attachment		
13. Describe on attachment the potential vulnerability of groundwater to contamination that might migrate from the site, including proximity to wellhead protection and groundwater recharge areas. See Attachment		
14. Describe on attachment the geography and geology of the site. See Attachment		

Statement of Certification and Signatures

(By requestor who is an individual)

I hereby affirm that information provided on this form and its attachments is true and complete to the best of my knowledge and belief. I am aware that any false statement made herein is punishable as a Class A misdemeanor pursuant to section 210.45 of the Penal Law.

Date: 3/21/06 Signature: Joseph Maisonave Print Name: Joseph Maisonave

(By an requestor other than an individual)

I certify that I am Vice President of Engineering & Environmental Affairs (title) of Central Hudson Gas & Electric Corp. (entity); that I am authorized by that entity to make this application; that this application was prepared by me or under my supervision and direction; and that information provided on this form and its attachments is true and complete to the best of my knowledge and belief. I am aware that any false statement made herein is punishable as a Class A misdemeanor pursuant to Section 210.45 of the Penal Law.

Date: 3/21/06 Signature: [Signature] Print Name: JAMES P Lovette

SUBMITTAL INFORMATION

Three (3) complete copies are required.

- **Two (2)** copies, one hard copy with original signatures and one electronic copy in Portable Document Format (PDF) on a CD or diskette, must be sent to:
 Chief, Site Control Section
 New York State Department of Environmental Conservation
 Division of Environmental Remediation
 625 Broadway
 Albany, NY 12233-7020
- **One (1)** hard copy must be sent to the DEC regional contact in the regional office covering the county in which the site is located. Please check our website for the address of our regional offices: <http://www.dec.state.ny.us/website/der/index.html>

FOR DEPARTMENT USE ONLY

BCP SITE T&A CODE: _____ LEAD OFFICE: _____

**Attachment to BCP Application
Catskill Former MGP**

Site Description Narrative:

The former Catskill MGP site is located on Water Street in the Village of Catskill, Greene County, New York. The Catskill MGP operated from about 1858 to 1925 by the Catskill Illuminating and Power Company and the Upper Hudson Electric and Railroad Company. During historic operations, MGP facilities included two coal sheds, two gas plant buildings, two purifier boxes, two gasometers, two gas holders, three oil cisterns, a tar well and several coal pockets and piles. Currently, parking lots and commercial buildings occupy the former MGP site.

Project Description and Schedule

The purpose and scope of the project is to investigate and, if necessary, remediate the Site related to contamination released at the Site during its use as a manufactured gas plant. The intent of Requester is to permit the Site to be used in the future for industrial purposes, which is consistent with its present and past uses. The investigation will include the Site itself, and may include adjacent properties and Catskill Creek, if it is possible that contamination has been released or migrated to adjacent properties or the Creek.

The Project schedule will be discussed with the Department. Requester is currently investigating and remediating several former MGP sites. Requester expects to perform an initial environmental site assessment within twelve months of the execution of a Brownfield Cleanup Agreement, but also expects to postpone a more comprehensive remedial investigation and any remediation activities, if necessary, until existing investigation and/or remediation activities at Requestor's other former MGP sites.

Names/Addresses - Contact List

Supervisor, Village of Catskill

Mr. Joseph Izzo
439 Main Street
Catskill, New York 12414
(518) 943-2141

Village of Catskill Town Board

Members: Mr. Joseph Hanusik, Mr. Charles Balsano, Mr. Joseph Leggio, Mr. Robert Antonelli

439 Main Street
Catskill, New York 12414
(518) 943-2141

Fax (518) 943-0209

Catskill Planning Board

Mr. Daniel Howard, Chairman
Mr. Peter Gustas, Vice Chairman
439 Main Street
Catskill, New York 12414
(518) 943-2381

Greene County

Douglas J. Brewer, Administrator
(518) 719-3270
Warren Hart, Director, Planning and Economic Development
(518) 719-3290
Frank Stabile, Chairman
(518) 719-3270
411 Main Street
4th Floor
Catskill, New York 12414

Media

Catskill Daily Mail
414 Main Street
Catskill, New York 12414

Albany Times Union
P.O. Box 15000
Albany, New York 12212

ECL Article 27 Violations

Although current employees of Requester have no knowledge of being convicted of an ECL Article 27, Requester has entered into a number of Consent Orders, VCAs and one prior BCA related to former MGP site investigations and remediations.

Document Repository

Catskill Public Library
1 Franklin Street
Catskill, New York 12414-1496

Confirming letter is attached.

Description of Adjacent Property:

The former Catskill MGP site is bounded to the north by commercial facilities, to the east by Water Street and commercial facilities and to the west by Catskill creek. The recreational, park and historic areas within and near the Village of Catskill include: Elliott Park, Cohotate Park and the Catskill Game Preserve.

Groundwater Resources:

There are no reported active potable water supply wells in the overburden near the site. Within three miles of the site, bedrock wells in the sandstone and shale have been developed for domestic and farm use as well as for non-municipal community water supply.

Geography & geology of site:

Topographic relief at the site is relatively flat and generally slopes to the west toward Catskill Creek, at a gradient of 0 to 5 percent. The elevation of the site is approximately 25 feet above mean sea level. Based on regional information, the site is likely underlain by lacustrine clays and deltaic sand and gravel deposits followed by shale and sandstone bedrock. However, no borings or wells have been installed at the site to determine site-specific geologic overburden deposits and bedrock formations.

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